

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA,)	CASE NO. 1:07cr00143-001
)	
Plaintiff,)	JUDGE JAMES S. GWIN
)	
vs.)	ORDER
)	
MICHAEL A. PENDERGRASS,)	
)	
Defendant.)	

This matter was heard on May 5, 2011, upon the request of the United States Pretrial and Probation Office for a finding that defendant had violated the conditions of his supervised release. The defendant was present and represented by Attorney Timothy Ivey.

The original violation petition was referred to United States Magistrate Judge Kenneth McHargh on April 5, 2011, for a Report and Recommendation. The Report and Recommendation was issued April 13, 2011.

The defendant, after reviewing a copy of the Report and Recommendation, acknowledged in open Court that he had no objections to the Report and Recommendation. The Court adopted the Report and Recommendation and found defendant violated the conditions of supervised release as follows:

- 1) failure to participate in drug/alcohol/mental health aftercare;
- 2) failure to report to the Probation Office as directed.

Upon agreement of defense counsel, the supervising officer and counsel for the

government, a recommendation was made to the Court for a sentence of 10 months with no supervision to follow.

Therefore, the defendant's supervised release is revoked and defendant is committed to the Bureau of Prisons for a period of 10 months with credit for time served on the instant violations. Upon release from incarceration defendant's period of supervised release shall terminate

The defendant is remanded to the custody of the U.S. Marshal, Cleveland, Ohio.

Dated: May 6, 2011

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE